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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,908	12/14/2000	Kaushal Kurapati	US000387	8381

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EXAMINER	
SALCE, JASON P	

ART UNIT	PAPER NUMBER
2623	

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10/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/736,908	KURAPATI, KAUSHAL	
	Examiner	Art Unit	
	Jason P. Salce	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4, 7-8, 10-12, 14, 17-18 and 20-22 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ukai et al. (U.S. Patent No. 7,096,486).

Referring to claim 1, Ukai discloses a method for recommending items using a recommending device (**see Column 2, Lines 18-34**).

Ukai also discloses obtaining a list of one or more available items (**see Figure 3 and Column 4, Lines 41-43**).

Ukai also discloses obtaining a recommendation score, R, for said one or more available items (**see view score 502 in Figure 5 and Column 5, Lines 42-44 for the view score representing how long a program has been viewed, therefore the view**

score is representative of a preference/recommendation of how much the user enjoys viewing a program).

Ukai also discloses calculating, using a processor of the recommending device, an adjustment, A, to said recommendation score, R (**see program view measure 504 in Figure 5**), based on a consistency which is a ratio of an item being selected by a user relative to the number of times the item was offered (**see Column 5, Lines 45-47 for calculating the program view measure 504 by dividing the sum of view scores by the number of serials of the series programs, therefore since Column 5, Lines 51-53 teaches that the program view measure 504 is calculated and updated everytime view score 502 or 503 is entered, when view score 502 is entered (the first program viewed in a series of programs) the adjustment/program view measure 504 is calculated, which is accomplished by dividing the sum of views scores (in this case, just view score 502) by the number of programs in the series of programs**), wherein the number of times the item was offered is greater than one (**see the examiner's comments above for the number of times a program is offered is represented by the number of programs in the series of programs, therefore, even when a single view score 502 is initially entered, the number of times an item (program in a series of programs) was offered is represented by the number of programs in the series, which would be at least 1 or more**), and wherein the number of times the item was offered and the number of times the item was selected by the user are stored in a memory (**the examiner notes that when the preference view measure 504 is calculated (see Column 5, Lines 44-47) the**

processor inherently stores the number of times an item (program in a program series) is offered (the denominator of the preference view measure 504 calculation) in order for the processor to perform the calculation and further note that each view score 502 and 503 shows that a program has been selected at least once, therefore Ukai clearly teaches storing the number of times the item was selected by the user (0 if the program was not watched and a value between 0 and 1 if the program has been watched)).

Ukai also discloses generating, using said processor, a combined recommendation score, C, based on said recommendation score, R, and said adjustment, A (**see Column 5, Lines 51-53 for recalculating a combined score using both view scores 502 and 503, and updating the adjustment/preference view measure 504, therefore the combined score is based on both the recommendation score/view score 502 and preference view measure 504**).

Ukai also discloses displaying said list on a display unit, wherein said items are displayed in order based on a value of said combined recommendation score, C (**see Column 18, Lines 35-45, Column 17, Lines 19-28 and Figure 25**).

Referring to claim 2, Ukai discloses that said list of one or more items are programs obtained from an EPG (**see again Column 18, Lines 35-45**).

Referring to claim 4, Ukai discloses that said recommendation score, R, is provided by an implicit program recommender (**see Column 5, Lines 40-55 for**

determining a view score based on how long a program has been viewed, therefore since the system automatically updates the table, the system provides an implicit program recommender).

Referring to claim 7, Ukai discloses that said adjustment to said recommendation score, R, does not exceed a predefined value (**see Figure 5 for the preference view measure 504 not exceeding 1).**

Referring to claims 8 and 10, see the rejection of claims 1-2, respectively.

Referring to claims 11-12, 14 and 17, see the rejection of claims 1-2, 4 and 7, respectively.

Referring to claims 18 and 20, see the rejection of claims 1-2, respectively.

Referring to claims 21-22, see the rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 5-6, 9, 13, 15-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ukai et al. (U.S. Patent No. 7,096,486) in view of Herz et al. (U.S. Patent No. 5,758,257).

Referring to claim 3, Ukai discloses all of the claim limitations of claim 1, but fails to teach that said recommendation score, R, is provided by an explicit program recommender.

Herz discloses that a recommendation score, R, is provided by an explicit program recommender (**see Column 12, Lines 11-18 for the user explicitly defining a user profile**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program recommendation system, as taught by Ukai, by using the explicit program recommendation system by allowing to manually enter his/her preferences, as taught by Herz, for the purpose of providing data or video programming customized to a viewer objective preferences (**see Column 1, Lines 15-17 of Herz**).

Referring to claim 5, Ukai discloses all of the claim limitations in claim 1, but fails to teach that said recommendation score, R, is defined as a weighted average of individual rating of program features.

Herz discloses that a recommendation score, R, is defined as a weighted average of individual ratings of program features (**see Column 13, Lines 45-49 for providing a customer profile using the average weights of other customers in order to provide a weighted average value in a customer profile**).

Note that the average weights are only provided for the case where a profile is implicitly defined, therefore the individual (each customer's) ratings of

program features (location, demographics, what a customer watches) are averaged with other customers to provide the customer profile (which holds multiple recommendation scores) (see Column 11, Lines 26-29 and Lines 65-66).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program recommendation system, as taught by Ukai, by using the a weighted average, as taught by Herz, for the purpose of developing a technique for better acquiring and quantifying such customer video programming preferences (**see Column 3, Lines 52-54 of Herz**).

Referring to claim 6, Ukai discloses all of the claim limitations in claim 1, but fails to teach presenting said combined recommendation score, C, for each of said one or more items to a user.

Herz discloses presenting the combined recommendation score, C, for each of said one or more programs to a user (**see Column 45, Lines 50-55 for displaying a user's customer profile and the ability to modify the customer profile if needed**).

Also note Column 45, Lines 56-67 and Column 46, Lines 1-18 for further discussion of the user interfaced used to view and modify a customer profile (recommendation scores) and agreement matrix values (combined scores).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program recommendation system, as taught by Ukai, by using the profile presentation system, as taught by Herz, for the purpose of

providing data or video programming customized to a viewer objective preferences (**see Column 1, Lines 15-17 of Herz**).

Referring to claims 9, 16 and 19, see the rejection of claim 6.

Referring to claim 13, see the rejection of claim 3.

Referring to claim 15, see the rejection of claim 5.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

October 24, 2007

JASON SALCE
PRIMARY PATENT EXAMINER